

HSPPS: Personnel Policies Revised

(mellow music)

Colleen Rathgeb: Hi, I'm Colleen Rathgeb.

Beth Meloy: I'm Beth Meloy, and in this video today we're going to walk you through 1302.90 in the new Head Start Performance Standards, which deals with our requirements related to personnel policies.

Colleen: This section contains requirements related to background checks, selection procedures for personnel, standards of conduct, and communication with dual language learners and their family.

Beth: Before we get into the details, one overarching change to the requirements is related to personnel policies, which is that staff performance appraisals are no longer required. Instead, grantees are required to assess their staff's need.

Colleen: Of course, these new requirements don't prohibit grantees from using performance appraisals, it just gives programs flexibility to do what works best for them.

Beth: That's right, but written policies and procedures are still required.

Colleen: One of the biggest changes to the performance standards in this section, and one that we know programs have had lots of questions about, are the new requirements related to background checks.

Beth: What background checks are required?

Colleen: That's a good question. There are a number of new background check requirements, but it's important to point out to all of our viewers that the office of Head Start published an information memorandum back in December, which changed the effective date of these requirements.

Beth: Yes, it's very important. That IM, which is available on the ECLKC, changed the effective dates for these background check requirements to September 30, so that gives programs some time to understand and learn about the new requirements, so that they can really implement them appropriately. Colleen, can you walk us through the four major checks that are now required?

Colleen: Yes, so the new performance standards include expanded background check requirements that better align with the requirements that were set forth in the childcare development block grant law. Specifically, the performance standards require four checks. Two of these checks must be completed prior to hire, and two of the checks must be completed within 90 days of hire.

Beth: Okay, so which two checks have to be completed before hire?

Colleen: Before hire, all employees, consultants, or contractors must obtain a sex offender registry, and either state or tribal criminal background check with fingerprints, or the FBI criminal history check with fingerprints.

Beth: Okay, and then what do they have to get after hire?

Colleen: After hire, within 90 days, the background check must be complete, so that all four of them would be obtained. That means they need to obtain a child abuse and neglect registry check, and whichever of the two criminal record checks they didn't complete before hire. Either a state or tribal, which includes fingerprints, or the FBI, which also includes fingerprints.

Beth: Okay, so just to wrap up, within 90 days of hire, every employee, consultant, or contractor must have a complete background check which means all four checks. That's the sex offender registry check, the state or tribal criminal record checks with fingerprints, a federal criminal record check with fingerprints, and a check of the state child abuse and neglect registry.

Colleen: That's right, and I know we've had some people asking why all four checks are required, and the answer is that each of these checks can provide somewhat different information.

Beth: That's right, and when it comes to keeping our children safe, we obviously want to make sure we're doing everything we can.

Colleen: Exactly.

Beth: Can I ask one more question for clarification?

Colleen: Of course.

Beth: You said, and then I also repeated, that every employee, consultant, or contractor must have these background checks. Does that mean that everyone who works at a particular facility has to have those checks? How can programs determine who needs to have a background check and who doesn't?

Colleen: Glad you asked that question. It gives me a chance to point out that with that IM that we released back in December delaying the effective date, we also published some frequently asked questions to clarify a few of these points. Viewers, again, should make sure that they access that document on the ECLKC.

To answer your question, in those FAQ's, we clarified that the programs must conduct or obtain a background check for contractors, or individuals on a contract, whose activities involve actually direct services with children and families, or anyone that could have unsupervised access to children and families.

Beth: If I have a contract for say, plumbing services, those contractors don't need to complete a background check?

Colleen: That's right. As long as those contractors would have no unsupervised access to children, that is not required.

Beth: I think that's really helpful to know. Another question for you Colleen.

We said that programs have up to 90 days after hire to finish the process of obtaining the background checks. Are there any safeguards for children and families while we're waiting for those 90 days, and the complete check to process?

Colleen: Yes, so we have clearly said in the standards that until the complete background checks is required. So, until they have all four of the checks, staff can't have unsupervised access to children.

Beth: Okay, that's very clear then.

Colleen: Yes, so let's talk about what a program is required to do once the background check is completed.

Beth: That was actually going to be my next question. What should programs do with the information?

Colleen: The standards state that programs are required to review the results of the background checks, and use the childcare and development fund disqualification factors, or tribal disqualification factors, that would establish whether the prospective employee can be hired or if a current employee would need to be terminated.

Beth: Are programs making that determination themselves?

Colleen: That depends on the state and on the check. One other clarification that we put out in the FAQ's on background checks, remember to check it out on ECLKC, is that if the state provides a program with a green light or a red light, based on their disqualification factors, to say they can either hire this person or not hire this person, the program can use that information to make its employment decisions, and they would be meeting the requirements in our standards.

Beth: Okay, I think that makes sense. Are there any other requirements related to background checks?

Colleen: There's one more. So, it says that these complete background checks must be completed every five years for all employees, consultants, or contractors.

Beth: Does that mean that programs have to do these background checks for all of their current employees as well?

Colleen: Yes, but that requirement isn't effective until September 30, and the programs have five years to come into compliance with those checks. After that date, they will have to get checks for all of their employees, and conduct it every five years thereafter.

Beth: Okay, so if they have five years, that means that by September 30, programs have to make sure not only that all of their newly hired employees have all four of these background checks, but also that all of their current employees have had these checks.

Colleen: That's right.

Beth: That's a lot to take in, but hopefully this video and the IM, again on the ECLKC, along with those FAQ's, which you should also be able to find on the ECLKC, will really help clarify these requirements for all of our programs.

Colleen: I think they will. Now, I think we should talk about some of the other requirements included in this section on personnel policies.

Beth: Oh, that's right, there are other requirements in the section, aren't there? They're important ones. The standards of conduct are included in this section. Should I walk through those?

Colleen: Why don't you do that Beth.

Beth: I'd be happy to. The performance standards in this section include a requirement that programs must establish personnel policies, and that those personnel policies must include, at a minimum, that staff cannot use corporal punishment, use isolation to discipline a child, bind or tie a child to restrict movement, or tape a child's mouth, use or withhold food as punishment or reward, use toilet learning, training methods that punish, demean, or humiliate a child, use any form of emotional abuse, including public or private humiliation, rejecting, terrorizing, extended ignoring, or corrupting a child, physical abuse of a child, any form of verbal abuse including profane, sarcastic language, threats, or derogatory remarks about a child or a child's family, or use physical activity or outdoor time as a punishment or reward.

Colleen: Ooh, quite a list.

Beth: It is.

Colleen: Very important that staff know really what are the parameters, and also wanted to make clear that grantees may have additional things that they want to add to their own standards of conduct. This does not have to be the complete list.

Beth: Right, and the standards are also really clear that all of those standards of conducts apply to all staff, consultants, contractors, and also to volunteers.

Colleen: And, that programs must include in their policies and procedures, what are the appropriate penalties for the staff, consultant, contractors, or volunteers who violate these standards.

Beth: That's right.

Colleen: There's one more requirement in this section, and it isn't new, but it's really important. Can you tell us about that one as well Beth?

Beth: Sure, so the last requirement in this section is related to communication with dual language learners and their families. Basically, the requirement in this section simply states that a program must ensure that staff and program consultants or contractors are familiar with the ethnic and cultural backgrounds of the children and families that they're serving, and that they're able to serve and communicate effectively, either directly or through interpretation with those children and families. In order to enable communication, this is also where you find our requirement that if a majority of children in a classroom, or in a home-based program, speak the same language, then you have to be sure that there is a staff person who also speaks that language.

Colleen: That brings us to the end of this section of the performance standard, and the end of our video.

Beth: Of course, again, don't forget to check out the ECLKC, the IM, and the FAQ's related to background checks are really very informative and helpful as you're trying to implement those requirements.

Colleen: Thanks everyone for joining us today.